



SUMMARY MINUTES

Delta Protection Commission Meeting

Thursday, July 15, 2021

Meeting conducted via Zoom and telephone as authorized by Governor's Executive Orders [N-29-20, N-33-20, and N-08-21](#) during the COVID-19 emergency

ADMINISTRATIVE AGENDA

1. Call to order

Chair Nottoli called the meeting to order at 4:02 p.m. and asked Commissioner Vogel to lead the meeting participants in a flag salute.

2. Welcome and roll call

Interim Commission Clerk Stacy Hayden called the roll. Present at roll call: Chair Nottoli, Commissioners Vasquez, Fuller, Steele, Nakanishi, Paroli, Slater, Agar (for Kim), Eddy (for Ross), Vogel (for Crowfoot) and Bugsch. Commissioner Villegas joined the meeting at 4:15 pm (during agenda item 5), and Vice Chair Winn joined the meeting at 4:35 p.m. (during agenda item 7). Commissioners Mussi and Burgis were absent with no alternate present.

3. Public comment - Opportunity for the public to address the Commission regarding items not on the agenda

There was no public comment.

4. Report on Delta Stewardship Council activities

Chair Nottoli reported on the Council's July 15-16 meeting agenda, including a focus on the appeals of the Lookout Slough certification of consistency. The Council is anticipated to make a final determination on the appeals on July 16, determining whether to deny the appeals and approve the project or to sustain the appeals and remand the project to DWR.

5. Commissioner comments/announcements

Commissioner Agar provided updates on the Caltrans project portal page, where the public can see the current status of Caltrans construction projects, and discussed the Clean California initiative, including a June 24 trash cleanup event in Stockton. Commissioner Steele asked about the availability of Caltrans cleanup funds for local roads; Commissioner Agar replied that funds would also be provided to local agencies. Chair Nottoli discussed the proposed Freeport gateway improvement project that the community is working on with Caltrans District 3. Commissioner Eddy reported that California Department of Food and Agriculture is working with USDA on federal drought resources, and that CDFA has announced a \$10 million COVID-19 relief grant program for specialty crops.

CONSENT AGENDA

6. Approval of May 20, 2021 minutes

MOTION: It was moved by Commissioner Villegas and seconded by Commissioner Agar to approve the May 20, 2021 minutes; in a roll call vote, the motion passed 11-0-1 with Commission members present at roll call (including Commissioner Villegas) voting aye and Commissioner Steele abstaining.

REGULAR AGENDA

7. Receive Executive Director report

Executive Director Vink provided an update on DWR's Delta Conveyance Project (DCP); discussed the Commission's efforts to submit a broadband funding application with two local consortia and efforts to encourage Delta residents to take the Cal-Speed test and report their internet speeds to California Public Utilities Commission; mentioned the community survey on trail preferences to inform the Great Delta Trail Master Plan, which is expected to come before the Commission at its November 2021 meeting; mentioned that Department of General Services is providing the Commission's contracted administrative services as of July 1, and thanked the administrative support team at State Lands Commission for its many years of support for the Commission; mentioned that the adopted FY 21-22 budget includes stable Commission funding and also includes \$12 million for State Lands Commission to fund the removal of abandoned and derelict commercial vessels, with a special thanks to Assemblyman Frazier for his efforts to secure this funding; referenced the land use comments, budget and spending report, and upcoming events provided in the written report; and concluded by noting the website and social media metrics, including that the visitcadelta.com website, have seen page views more than double between the first and second quarters of the year.

Commissioner Villegas asked about Senate Bill 821 (Delta Independent Science Board), and Commission members discussed their interest in the Commission taking a position on this legislation. Executive Director Vink acknowledged his oversight in not placing this matter on the agenda, and Chair Nottoli suggested that a special Commission meeting would be appropriate as the legislation might be disposed of prior to the September 16 Commission meeting. It was generally agreed that a special meeting to take a position on S.B. 821 would be appropriate, and Commission staff will work with Chair Nottoli to find an appropriate date.

Commissioner Bugsch discussed the State Lands Commission efforts on abandoned and derelict vessel removal, and will report back once his Commission learns more about its next steps.

Chair Nottoli asked for public comment and there was none.

8. Receive DPAC report

DPAC Chair Mark Pruner provided an update on the June 29 DPAC meeting, where the Committee received a report on the DCA Stakeholder Engagement Committee, reviewed and discussed proposed edits to Vision 2030 (Commission strategic plan) strategic objectives and

voted unanimously to approve the proposed edits with slight modifications, and discussed the potential to conduct hybrid DPAC meetings in the future.

Chair Nottoli asked for public comment and there was none.

9. Receive update on Delta National Heritage Area and consider support of H.R. 4087 and H.R. 1230

Commission Program Manager Blake Roberts provided an update on Delta National Heritage Area (Delta NHA) Management Plan Advisory Committee activities, including the July 1 meeting of the full advisory committee and various meetings of the Advisory Task Groups. He also described proposed legislation by Congressman Garamendi and asked for Commission support on two of them: H.R. 4087 would extend the deadline for National Heritage Areas designated in March 2019 (including the Delta NHA) to submit their management plan to the Secretary of Interior by one year (from March 2022 to March 2023), and H.R. 1230 would adjust the Delta NHA boundary to include 62 acres within the City of Rio Vista, including the decommissioned U.S. Army Reserve Center, U.S Coast Guard Station, and Sandy Beach County Park.

Commissioner Fuller asked about the U.S. Army Reserve Center, and Program Manager Roberts described the historic involvement of the U.S. Army Corps of Engineers at that facility. Commissioner Fuller also asked about the National Park Service involvement, and the limited role of National Park Service in the Delta NHA was described. Commissioner Vogel asked about any opposition to the proposed legislation, and Executive Director Vink stated that there was no known opposition.

Chair Nottoli asked for public comment and there was none.

MOTION: It was moved by Commissioner Fuller and seconded by Commissioner Villegas to approve the proposed support letter for H.R. 4087 and H.R. 1230; in a roll call vote, the motion passed 13-0-0 with Commission members present at roll call (and including Vice Chair Winn and Commissioner Villegas) voting aye.

10. Receive update on Delta Levee Investment Strategy (DLIS) draft regulatory language and consider Commission position letter

Executive Director Vink provided background on the Delta Levee Investment Strategy (DLIS), including past Commission actions prior to recent Delta Stewardship Council staff efforts to propose DLIS regulatory language. This proposed regulatory language is of concern to the Delta levee community and includes a narrow definition of levee maintenance that would place levee rehabilitation efforts in the levee prioritization scheme. Council staff also propose to revise the levee prioritization based on recent elevation imaging data (LiDaR). Based on these concerns and an anticipated action by the Council at its August 2021 meeting, he asked for Commission support of a proposed letter to Council Chair Tatayon requesting that “levee rehabilitation” (repairing a levee that has been damaged or breached) be considered a part of “levee operation and maintenance” and therefore not subject to levee prioritization.

Commissioner Slater stated his support for the proposed letter. Commissioner Villegas commented that the levee prioritization should not interfere with activities funded by the levee subventions program.

Chair Nottoli asked for public comment. Melinda Terry (California Central Valley Flood Control Association) offered support for the Commission letter. Erin Mullin (Delta Stewardship Council) provided an explanation for Council staff's removal of "rehabilitation" from the definitions, which prompted a follow-up question from Chair Nottoli. Gilbert Cosio (MBK Engineers) provided background on past DWR and U.S. Army Corps of Engineers efforts to maintain the levee system as an argument for supporting the proposed Commission letter.

MOTION: It was moved by Commissioner Villegas and seconded by Commissioner Slater to approve the proposed letter to Delta Stewardship Council Chair Tatayon; in a roll call vote, the motion passed 10-0-3 with Commission members Nottoli, Villegas, Winn, Vasquez, Nakanishi, Steele, Fuller, Paroli, Slater, and Bugsch voting "aye" and Commission members Agar, Vogel, and Eddy abstaining from the vote.

11. Revision of Vision 2030 (Commission strategic plan) strategic objectives

Executive Director Vink provided background on Commission staff's efforts to review and update strategic objectives in Vision 2030, including discussion with DPAC and comment from Delta stakeholders. The proposed edits to the strategic objectives include removing strategic objectives that have been accomplished (such as the Delta NHA designation) or are no longer considered strategic, adding new strategic objectives (such as broadband and subsidence removal through promotion of specific crops), and revising existing objectives for clarity and removing duplication. He also mentioned that the Delta Protection Advisory Committee (DPAC) suggested modest changes to the strategic objectives and voted unanimously at its June 29 meeting to approve the changes.

Chair Nottoli asked for public comment and there was none.

MOTION: It was moved by Commissioner Slater and seconded by Commissioner Steele to approve the proposed revisions to the Vision 2030 strategic objectives; in a roll-call vote, the motion carried 12-0-1 with Commissioner Vogel abstaining.

12. Receive report on Yolo Bypass Salmonid Habitat Restoration & Fish Passage Project and consider Commission position on proposed use of eminent domain to acquire interests in land for Delta habitat restoration

Department of Water Resources (DWR) Program Manager James Newcomb provided background on the Yolo Bypass Salmonid Habitat Restoration & Fish Passage Project, also known as the Big Notch project. The project is designed to create additional periods of inundation in the Yolo Bypass to support salmonid species. He explained that DWR hopes to work cooperatively with landowners and not use eminent domain to acquire the interests in land, whether those be inundation easements or fee simple acquisition.

Commissioner Villegas commented on the multiple purpose benefits of the proposed project. Commissioner Eddy asked about the number of private properties impacted; Mr. Newcomb answered that there were approximately 50 private property landowner groups (and approximately 200 individual parcels) in the proposed inundation zone. Commissioner Slater asked about the location of the property and expressed concern about the use of eminent domain, and Mr. Newcomb replied that the properties extend from the Fremont Weir to the north end of Liberty Island, with the inundation impacts greatest at the eastern end of the Bypass. Chair Nottoli asked about the agricultural impacts from additional periods of land inundation and the concern he had about the proposed use of eminent domain; Mr. Newcomb answered that the March 15 limit on additional inundation was designed with agricultural uses in mind.

Chair Nottoli asked for public comment. Melinda Terry (North Delta Water Agency) provided background on this project as it was proposed in the Bay Delta Conservation Plan, and the intention at that time to not utilize eminent domain. She further expressed concern that the project benefits water exporters and not local interests, and encouraged support for the proposed letter.

Executive Director Vink provided additional information surrounding the proposed letter to DWR Director Nemeth, including the past Commission comments on the environmental impact report for the project and concerns about the precedential nature of this activity.

Commissioner Agar asked about the DWR process for the use of eminent domain, and DWR real estate agent Linus Paulus provided an answer. Commissioner Vasquez expressed his support for the proposed letter.

MOTION: It was moved by Commissioner Vasquez and seconded by Commissioner Slater to approve the proposed letter to DWR Director Nemeth opposing the use of eminent domain to acquire interests in land for Delta habitat restoration purposes; in a roll call vote, the motion passed 9-1-3 with Commission members Nottoli, Villegas, Winn, Vasquez, Nakanishi, Steele, Fuller, Paroli, and Slater voting “aye”, Commissioner Vogel voting “no”, and Commission members Agar, Bugsch, and Eddy abstaining from the vote.

13. Report on Drought Activities in the Delta

Delta Watermaster Michael George, DWR South Delta Branch Manager Jacob McQuirk, and North Delta Water Agency Manager Melinda Terry provided information on recent drought activities, including anticipated curtailment of water diversions by the State Water Resource Control Board, Delta water agencies’ drought response plan, DWR’s installation of an emergency drought barrier at West False River, initial thoughts about actions that might occur in 2022 with continued drought, and North Delta Water Agency’s concerns over the potential installation of additional drought barriers in the North Delta should drought conditions persist into 2022.

Chair Nottoli asked for public comment. Russ Ryan of Metropolitan Water District of Southern California commented on MWD’s support for the drought actions.

14. Adjourn

Chair Nottoli adjourned the meeting at 6:49 p.m. The next Commission meeting will be September 16, 2021.